

BRIAN SANDOVAL
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

Jan B. Leggett, Chairman
Thomas "Jim" Alexander
Kevin E. Burke
Margaret Cavin
Joe Hernandez
Jan B. Leggett
Stephen P. Quinn
Guy M. Wells



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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING

August 19, 2015

CALL TO ORDER:

Noah Allison, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, August 19, 2015, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign in Log.

ADMINISTRATIVE LAW JUDGE:

Mr. Noah Allison, Esq.

STAFF MEMBERS PRESENT:

Mr. George Lyford, Associate Director
Mr. Daniel Hammack, Chief of Enforcement

STAFF MEMBERS ABSENT:

Ms. Margi Grein, Executive Officer
Mr. Paul Rozario, Director of Investigations

LEGAL COUNSEL PRESENT:

Mr. Jack Juan, Esq.

Mr. Lyford stated the agenda was posted in compliance with the open meeting law on August 13, 2015, at Paseo Verde Library, Sawyer State Building and Clark County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board's Internet Website.

ADMINISTRATIVE LAW JUDGE: Noah Allison, Esq.

1. DISCIPLINARY HEARING: (May 20, 2015)

EPCON ELECTRIC NEVADA, LLC, License No. 79838

Licensee was not present but was represented by Brian J. Pezzillo, Esq. at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Upon the Stipulation of the parties, ALJ Allison found Respondent guilty of ten (10) violations of NRS 624.3013(5), as set forth in NRS 624.700(1)(a) engaging in business without having an active license; two (2) violations of NRS 624.3014(1)(a) acting in the capacity of a contractor under any license issued except in the name of the licensee as set forth upon the license; three (3) violations of NRS 624.3013(5), as set forth in NRS 624.750(3)(b) diversion of money; one (1) violation of NRS 624.302(4) suspension, revocation or other disciplinary action taken by another state against a contractor if the contractor is licensed in this State; one (1) violation of NRS 624.3016(7) the

commission of any other fraudulent or deceitful act to obtain a license; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; and one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$500.00 for each of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth and Eighteenth Causes of Action for total fines of \$9,000.00 and investigative costs of \$3,065.00. All fines and investigative costs are to be paid within sixty (60) days of the August 19, 2015 hearing. License number 79838, EPCON Electric Nevada, LLC was revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

2. DISCIPLINARY HEARING: (Continued from July 22, 2015)

7 STAR ENTERPRISE, LLC, License Nos. 75317, 76856, 77119

Licensee was present and represented by William Wray, Esq. and Donna DiMaggio, Esq. at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

ALJ Allison continued this matter to September 23, 2015.

3. DISCIPLINARY HEARING: (Continued from July 22, 2015)

ADAY SOLTUIONS, LLC, License No. 79039

Licensee was present but not represented by counsel at the hearing.

The following Agency Exhibits were entered:

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

ALJ Allison found Respondent guilty of one (1) violation of 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include its license number and monetary license limit on its contracts; one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; one (1) violation of NRS 624.3011(1)(b)(1) violation of the building laws of this State; and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. The Second Cause of Action was dismissed. Respondent was assessed a fine of \$500.00 for each the First and Fifth Causes of Action; a fine of \$50.00 for each of the Second and Third Causes of Action; a fine of \$1,000.00 for the Sixth Cause of Action for total fines of \$2,100.00 and investigative costs of \$2,601.00. The Seventh Cause of Action shall be dismissed if Respondent provides a current compiled financial statement with bank verification form for all cash accounts that supports the license limit within ninety (90) days of the August 19, 2015 hearing. If the Respondent fails to timely provide the required financial statement, guilt will be found and a fine of \$500.00 will be assessed. License number 79038, Aday Solutions, LLC shall remain suspended until the financial statement is provided to the Board. All fines and investigative costs are to be paid and a current financial statement provided within ninety (90) days of the August 19, 2015 hearing or license number 79038, Aday Solutions, LLC shall be revoked.

4. DISCIPLINARY HEARING:

ROD ARRON KOPREK, OWNER, dba ROD KOPREK ROOFING, License No. 50820

Licensee was present but not represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated July 6, 2015.

ALJ Allison dismissed the First Cause of Action of the Board's Complaint. This matter was continued to September 23, 2015.

5. DISCIPLINARY HEARING:

FOOTHILL FIRE PROTECTION, LLC, License No. 77496

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – An e-mail from Respondent to the Board dated August 18, 2015.

ALJ Allison found Respondent guilty of one (1) violation of NRS 624.302(7) failure to comply with an order of the Board; one (1) violation of NRS 624.302(1)(a) contracting while the license is suspended; one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include its license number and monetary license limit on its contracts; and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for each of the First, Second, Third and Fourth Causes of Action for total fines of \$2,000.00 and investigative costs of \$1,859.00. All fines and investigative costs are to be paid within thirty (30) days of the August 19, 2015 hearing. License number 77496, Foothill Fire Protection, LLC was revoked.

6. DISCIPLINARY HEARING:

DON MARTINEZ, OWNER, dba ALPHA 1 CONSTRUCTION, License No. 49793

Licensee was present but not represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's correspondence to the Board dated June 22, 2015.

Exhibit B – Respondent's correspondence to the Board dated July 8, 2015.

ALJ Allison found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs of \$3,063.00. All fines and investigative costs are to be paid within ninety

(90) days of the August 19, 2015 hearing or license number 49793, Don Martinez, Owner, dba Alpha 1 Construction shall be revoked. This matter was continued to October 21, 2015.

7. DISCIPLINARY HEARING: (Stipulated Revocation)

a. B. B. R. BUILDERS, LLC, License Nos. 74392, 74393

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's correspondence to the Board dated July 24, 2015.

ALJ Allison found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; two (2) violations of NRS 624.302(6) failure to comply with a written request from the Board; one (1) violation of NRS 624.3013(4) failure to keep in force the bond for the full period required by the Board; and one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$1,000.00 for each of the First, Second, Third and Fourth Causes of Action for fines totaling \$4,000.00 and investigative costs of \$1,905.00. Gina Anderson Nelson and Troy William Henrie were dismissed from the Board's Complaint. License numbers 74392 and 74393, B. B. R. Builders, LLC were revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

b. THREE HAMMER CONSTRUCTION, INC., License No. 56108

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's correspondence to the Board dated July 27, 2015.

ALJ Allison found Respondent guilty of one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include its license number and monetary license limit on its contracts; one (1) violation of NRS 624.3014(2)(a) aiding or abetting an unlicensed person to evade the provisions of this chapter; one (1) violation of NRS 624.3011(1)(b)(4) violation of the laws of this State regarding industrial insurance; one (1) violation of Respondent's correspondence to the Board dated July 27, 2015 violation of NRS 624.3013(5), as set forth in NRS 624.165(3)(e)(2) failure to acquire the required business license; and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 for each of the First, Second, Third, Fourth, Fifth and Sixth Causes for total fines of \$6,000.00 and investigative costs of \$1,974.00. License number 56108, Three Hammer Construction, Inc. was revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

8. DISCIPLINARY HEARINGS: DEFAULT ORDERS

a. SOLAR E CLICK, LLC, License No. 79659

DÉCOR ELECTRIC, LLC License No. 71848

Licensees were not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Allison found Respondent Solar E Click, LLC license number 73883 and Décor Electric, LLC, license number 71848 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Respondent Solar E Click, LLC was found guilty of one (1) violation of NRS 624.3013(5), as set forth in NRS 624.700(1)(a) engaging in business without having an active license; one (1) violation of NRS 624.3016(1) any fraudulent or deceitful act committed in the capacity of a contractor; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; and one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent Solar E Click, LLC was assessed a fine of \$1,000.00 for each of the First, Second and Third Causes of Action for total fines of \$3,000.00 and investigative costs of \$1,834.00. License number 79659, Solar E Click, LLC and license number 71848, Décor Electric, LLC were revoked. Respondent Solar E Click, LLC is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

b. ROAD WORK AHEAD, INC., License No. 73883

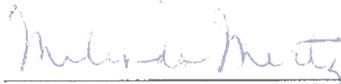
Licensee was present and represented by Chris Benner, Esq. at the hearing.

ALJ Allison continued this matter to September 23, 2015.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by ALJ Allison at 10:52 a.m.

Respectfully Submitted,

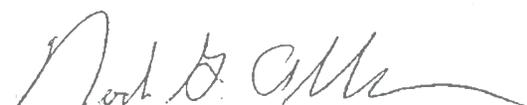


Melinda Mertz, Recording Secretary

APPROVED:



Margi A. Grein, Executive Officer



Noah Allison, Esq., Administrative Law Judge